

MILITARY SERVICE

*Exchange of notes at Washington November 6, 1942, and January 9
and February 1, 1943*

Entered into force January 11, 1943

*Terminated March 31, 1947*¹

57 Stat. 960; Executive Agreement Series 321

The Secretary of State to the Cuban Ambassador

DEPARTMENT OF STATE

WASHINGTON

November 6, 1942

EXCELLENCY:

I have the honor to refer to conversations which have taken place between officers of the Cuban Embassy and of the Department with respect to the application of the United States Selective Training and Service Act of 1940, as amended,² to Cuban citizens residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person residing in the United States between the ages of eighteen and sixty-five shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it would be desirable to permit certain nationals of cobelligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of their own country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

¹ Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

² 54 Stat. 885; 50 U.S.C. app.

This Government is prepared, therefore, to initiate a procedure which will permit aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. This Government is also prepared to afford to nationals of cobelligerent countries who have not declared their intention of becoming American citizens who may already be serving in the armed forces of the United States an opportunity of electing to transfer to the armed forces of their own country. The details of the arrangement are to be worked out directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the Cuban Government. It should be understood, however, that in all cases a person exercising an option under the arrangement must actually be accepted by the military authorities of the country of his allegiance before his departure from the United States.

Before the above-mentioned procedure will be made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of his or any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to the Republic of Cuba upon the receipt from you of

a note stating that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

G. HOWLAND SHAW

His Excellency

Señor Dr. AURELIO F. CONCHESO,

Ambassador of Cuba.

The Cuban Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF CUBA
WASHINGTON, D.C.

No. 17

JANUARY 9, 1943

EXCELLENCY:

I have the honor to refer to Your Excellency's note of November 6, 1942, relative to the conversations which have taken place between officials of the Embassy of Cuba and the Department of State with respect to the application of the Selective Service and Training Act of 1940 of the United States, as amended, to Cuban citizens residing in the United States.

Your Excellency states that the said Act provides that, with certain exceptions, every male citizen of the United States and all other males who reside in the United States, between the ages of 18 and 65 years, must register, the Act further providing that, with certain exceptions, the registered individuals included within certain specified age limits are subject to rendering compulsory active military service in the armed forces of the United States.

In this connection Your Excellency advises that the Government of the United States recognizes that, from the viewpoint of the morale of the individuals affected and of the military effort in general of the countries at war against the Axis powers, it would be desirable to permit certain nationals of co-belligerent countries who have registered or may register under the Selective Service and Training Act of 1940, as amended, to enlist in the armed forces of their own country if they so desire, for which purpose Your Excellency's Government is disposed to initiate a procedure whereby Cubans who have registered under the Selective Service and Training Act of 1940, as amended, and who have not declared their intention of adopting American citizenship, will be permitted to elect to serve in the armed forces of Cuba instead of rendering service in the armed forces of the United States, at any time prior to their entry into the armed forces of this country. Likewise, Cubans who have not declared their intention of adopting American citizenship and who are already serving in the armed forces of the United States will

be permitted to elect to transfer to the armed forces of Cuba. It is stipulated, however, that in every case the person exercising such an option under this arrangement must actually be accepted by the Cuban military authorities before his departure from the United States.

It is proposed in Your Excellency's note that the details of the arrangement be agreed upon directly between the War Department and the Selective Service System, on behalf of the Government of the United States, and competent authorities of the Government of Cuba.

Your Excellency advises me that the Government of the United States is disposed to put the above-mentioned policy into effect immediately with respect to the Republic of Cuba, subject to the following conditions:

[For text of conditions, see paragraphs (a), (b), and (c) in U.S. note, above.]

I have the honor to advise Your Excellency that my Government desires to avail itself of the procedure suggested in Your Excellency's note and that it agrees to do so under the conditions stated and with the stipulations expressed in paragraphs (a), (b), and (c) set forth above.

With respect to paragraph (a), nevertheless, my Government desires to point out that Obligatory Military Service exists in Cuba and that, although for the time being it is applicable only to Cuban citizens, the Cuban Government reserves the right to extend it to foreigners in general. In the latter case the stipulations of paragraph (b) guarantee to American citizens in Cuba the same treatment as that offered by the present arrangement to Cuban citizens in the United States.

With respect to the same paragraph (a), it is desired to point out, furthermore, that, according to the Emergency Military Service Law of 1941 of the Republic of Cuba, Cuban citizens at present in the United States are under obligation to register for military service in the armed forces of Cuba at consular offices of the Republic in this country, being subject to call according to lottery. Non-fulfilment of this obligation renders a person liable to appropriate penalties.

It is hoped that within a short time it will be possible to advise Your Excellency of the designation of the Cuban authorities who are to come to an agreement with the War Department and the Selective Service System regarding the details of the arrangement.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

A. F. CONCHESO

His Excellency
CORDELL HULL,
Secretary of State,
Washington, D.C.

The Secretary of State to the Cuban Ambassador

DEPARTMENT OF STATE
WASHINGTON
February 1, 1943

EXCELLENCY:

I have the honor to acknowledge the receipt of your note no. 17 of January 9, 1943, in which you state that your Government desires to enter into the agreement, proposed in my note of November 6, 1942, concerning the services of nationals of one country in the armed forces of the other country. You state that your Government gives the assurances stipulated in paragraphs (a), (b), and (c) of the note of November 6, 1942.

I take pleasure in informing you that this agreement is now considered by this Government as having become effective on January 11, 1943, the date on which your note under acknowledgment was received in the Department. The appropriate authorities of this Government will be informed accordingly, and I may assure you that this Government will carry out the agreement in the spirit of full cooperation with your Government.

It is suggested that all the details incident to carrying out the agreement be discussed directly by officers of the Embassy with the appropriate officers in the War Department and the Selective Service System. Lieutenant Colonel W. D. Partlow, of the War Department, and Major S. G. Parker, of the Selective Service System, will be available to discuss questions relating to the exercise of the option prior to induction. The Inter-Allied Personnel Board of the War Department, which is headed by Major General Guy V. Henry, is the agency with which questions relating to the discharge of nondeclarant nationals of Cuba, who may have been serving in the Army of the United States on the effective date of the agreement and who desire to transfer to the Cuban forces, may be discussed.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
G. HOWLAND SHAW

His Excellency

Señor Dr. AURELIO F. CONCHESO,
Ambassador of Cuba.